

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MADISON SQUARE GARDEN, L.P.,  
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Plaintiff, :  
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- against - : No. 07 CIV. 8455 (LAP)  
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NATIONAL HOCKEY LEAGUE, NA- :  
TIONAL HOCKEY LEAGUE ENTER- :  
PRISES, L.P., NATIONAL HOCKEY :  
LEAGUE INTERACTIVE CYBERENTER- :  
PRISES, L.L.C., NHL ENTERPRISES CAN- :  
ADA, L.P., and NHL ENTERPRISES, B.V., :  
:  
Defendants. :  
:  
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**DECLARATION OF JOHN COLLINS**

I, JOHN COLLINS, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am Senior Executive Vice President of Business and Media of NHL Enterprises (“NHLE”), the marketing entity for the National Hockey League (the “NHL” or “League”). I joined NHLE in November 2006, and have held my present position since June 2007. I am responsible for sales, marketing, sponsorships and media. I understand that Madison Square Garden (“MSG”) has made a motion for a preliminary injunction in the above-captioned matter, in which MSG has requested the Court to enjoin the NHL from enforcing that portion of its new media regulations authorized by the Board of Governors that would require the New York Rangers to migrate its website

from its current platform to the common technology platform adopted for the NHL's and all of the NHL Clubs' websites. I submit this declaration in opposition to that motion. I have personal knowledge of the facts stated below.

2. Prior to joining the NHL, I worked for the National Football League ("NFL") for almost fifteen years in various senior business roles, including most recently, from September 2000 until April 2004, as Senior Vice President, Marketing and Sales. In that role, I oversaw sales, marketing, sponsorships and club services. While I was at the NFL, the league was very successful in building professional football into a "national brand" and indeed into one of the most visible brands in the world. Through a number of marketing strategies and initiatives, we were able to enhance value in the league, its branded logo shield, its clubs, and their respective logos, emblems, and marks. This brand value not only engendered goodwill with new and existing NFL fans both nationally and locally, but was also monetized into incremental revenue for the NFL and its clubs through lucrative television contracts and media coverage, national sponsorships, advertising, and merchandise sales.

3. Fans of all sports offerings are predominantly "tribal" in nature. They are often fiercely loyal to their local or favorite club. The NFL, Major League Baseball ("MLB"), and the National Basketball Association ("NBA") have all been very successful in developing a bridge between those "tribal" loyalties of the average fan and loyalty to the national league brand. In many respects, that bridge has been built in the NFL, NBA and MLB by communication and exposure via national media, primarily through national broadcast and cable exposure to millions of fans.

4. The success of each league's conversion of local fans can be measured in broadcast viewership. Last year, for example, the average number of households per game watching the NFL increased from 10,267,488 during the regular season to 23,568,140 for the playoffs (an increase of 130%); MLB viewership increased from 1,208,170 during the regular season to 6,154,572 for the playoffs (400%); and, NBA viewership increased from 1,197,840 to 2,814,143 (135%). These ratings demonstrate that playoff viewership in those sports remains strong even as clubs are eliminated. Primarily through national television, each of the NFL, MLB, and NBA has been able to build a strong enough bond with its fans over the years to preserve fan interest in the league's competition even when the fans' passions for their local clubs are frustrated. No New York Giants fan would cancel his Super Bowl party because the Giants were not playing – interest in the NFL playoffs and the league itself persists regardless of the identity of the two clubs playing for the league championship.

5. By contrast, the NHL has not had the same history with regard to national exposure on broadcast and cable television, and thus has found it more difficult to establish the bridge between “tribal” and “league-centric” fan behavior. As compared to the significant increases in viewership for the other sports leagues, NHL viewership increased last year by only 91%, from 277,488 during the regular season to 530,955 for the playoffs. Statistics show that 50% of even the NHL's most avid fans are less likely to watch the Stanley Cup Championship if their favorite club is not playing. Furthermore, 80% of viewership overall is determined by whether or not a fan's favorite club is playing.

6. Since I joined the NHL, the NHL has embarked on a new marketing plan, part of which is reflected in its new media marketing strategy. As part of that strategy, which includes the migration of the Clubs' individual websites to a common technology platform using a single content management system ("CMS") and standardized template, we are attempting incrementally to take advantage of the fierce local loyalties and club rivalries that currently exist in the League, and to expand and translate that fan enthusiasm into an enthusiasm for the NHL brand across the local markets. The NHL is a \$2.3 billion business with 53 million fans in North America, but the League needs to focus on improving its national presence. To reach this substantial customer base, we have developed a growth strategy to enhance our national identity, increase our brand value, and better compete against the NFL, MLB, NBA, and other sports and entertainment properties, without in any way diminishing the passion our fans have for their local teams. I prepared a presentation to the Board of Governors for its September 18, 2007, meeting to outline the NHL's strategy. Although time constraints caused the Board to postpone my presentation until its next meeting, I have attached a copy of the PowerPoint presentation I had prepared as Exhibit A. I also recently discussed this strategy in an interview with the Sports Business Journal, and have attached a copy of the article recounting this interview as Exhibit B.

7. For the NHL to enhance its national brand identity and to compete more effectively with other sports and entertainment properties, NHL fans must have access to broader, more multi-dimensional hockey coverage that emphasizes the importance of other League games, highlights, news, and content from other Clubs and markets around the League. To be sure, the provincial approach currently employed in most mar-

kets feeds local passion, but it fails to engender any broader association with the League and its other Member Clubs. Furthermore, with an average of almost 40% of NHL fans in the United States living outside the home state of their favorite Club, many fans find themselves unable to connect with their Club and the League.

8. The focus of our current growth strategy is to build a national “halo” over these local businesses in a way that will drive incremental revenue. We are seeking to better activate the local passion of NHL fans by offering them more of a League-wide, bigger picture experience, similar to what other sports leagues have been able to do through their national television exposure. An increased national scale and brand equity can be monetized into incremental rights fees and other revenue for the NHL and its Member Clubs as a result of increased national media coverage, sponsorships, advertising, and merchandise sales. An increased national scale and brand equity also increases individual NHL Member Club franchise values.

9. We plan to accomplish this national branding through a number of initiatives, such as cross-promoting the League and NHL Member Clubs with highlights from other games both in-arena and during local television broadcasts, personifying the League through its many young stars (such as the Pittsburgh Penguins’ Sidney Crosby and Evgeni Malkin) who garner national attention, aggressive and multi-platform merchandising, and developing a unified media strategy.

10. An important element of the unified media strategy is expanding internet offerings League-wide. Servicing all of the thirty NHL Member Clubs’ websites of the NHL.com network on a single common technology platform with a single CMS and a standardized website template will strengthen the NHL brand on a national scale

over an important distribution channel, without damaging individual NHL Member Clubs' brands or their relationships with their fans.

11. Seamless navigation and familiarity with the layout will encourage free-moving traffic by fans among the NHL Member Clubs' websites, while the NHL Member Clubs' ability to collectively share highlights, news, pictures, and other content among the League's and the NHL Member Clubs' thirty-one websites will give the fan League-wide access and should stoke local passion into a broader interest in the NHL and its Member Clubs. The migration of the thirty NHL Member Clubs' websites onto a common technology platform and CMS will increase the League's ability to inform fans about what is going on in the rest of the League and to leverage their "tribal" interests into a broader, League-wide interest without detracting from their local allegiances. As demonstrated by the experience of the other major sports leagues, a fan's passionate loyalty to a local club and his interest and support for the League itself are not mutually exclusive, as MSG seems to suggest.

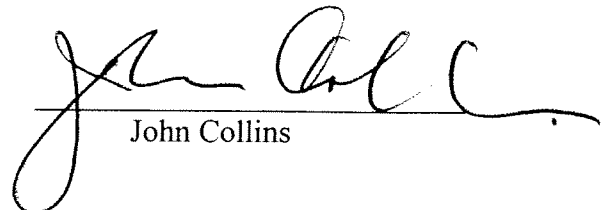
12. We expect that this online integration will attract national sponsors and advertisers looking for exposure across the NHL and its thirty local markets, and that expectation was realized this month in Canada. On October 3, 2007, Scotiabank, one of the largest banks in Canada, announced a 5-year deal worth \$50 million, including national television media buys, to become the first official bank sponsor of the NHL. The Scotiabank deal alone more than doubles the League's current Canadian sponsorship revenue across all categories. In addition, the League is looking to build large national marketing vehicles, such as an annual outdoor game. This year's outdoor game will be played on New Year's Day in Buffalo's Ralph Wilson Stadium (home of the NFL's Buf-

falo Bills), and will bring the League \$2 million in incremental sponsorship revenue from national sponsors such as Pepsi, Anheuser-Busch, Labatt, Virgin, Reebok, Dodge, and XM Satellite Radio. Each of the thirty NHL Member Clubs, including the Rangers, will benefit from this national marketing effort.

13. MSG's refusal to migrate the Rangers' website onto the League's common technology platform has delayed our ability to operate and market on a national scale online. MSG has harmed our national branding efforts by attempting to separate the Rangers from the NHL online community. Fans are deprived of the digital offerings that MSG would collectively share with NHL.com and the other NHL Member Clubs' websites. Furthermore, potential national sponsors and advertisers now see a digital distribution channel that, while stretching across twenty-nine local Club markets, is fractured in New York City, the League's largest local market. While the metropolitan area is currently served by two other NHL Member Clubs (the New York Islanders and the New Jersey Devils), the Rangers' fans are an important demographic group that is critical to the NHL's ability to grow and to generate incremental revenue from the NHL brand. MSG is impeding the NHL's effort to achieve a national scale that would benefit all thirty NHL Member Clubs, including the Rangers.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 11, 2007.



John Collins